

IN THE UNITED STATES COURT OF APPEALS

FOR THE ELEVENTH CIRCUIT

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No. 07-11192-B

BERPA P. HACKETT, CLK
U.S. COURT OF APPEALS
ELEVENTH CIRCUIT
MEDICAL CENTER

FILED
U.S. COURT OF APPEALS
ELEVENTH CIRCUIT

JUL - 3 2007

THOMAS K. KAHN
CLERK

JESSE L. MANER,

Petitioner-Appellant,

versus

ARNOLD HOLT, Warden,
TROY KING, The Attorney
General of the State,

Respondents-Appellees.

Appeal from the United States District Court for the
Middle District of Alabama

ORDER:

To merit a certificate of appealability, appellant must show that reasonable jurists would find debatable both (1) the merits of an underlying claim and (2) the procedural issues he seeks to raise. See 28 U.S.C. § 2253(c)(2); Slack v. McDaniel, 529 U.S. 473, 478, 120 S.Ct. 1595, 1600-01, 146 L.Ed.2d 542 (2000). Because his petition is impermissibly second or successive, appellant has failed to satisfy the second prong of Slack's test. The motion for a certificate of appealability is DENIED.

Appellant's motion for leave to proceed on appeal in forma pauperis is DENIED AS MOOT.

A True Copy - Attached:
Clerk, U.S. Court of Appeals
Eleventh Circuit

By: Carolyn Mazero
Deputy Clerk
Atlanta, Georgia

/s/ Rosemary Barkett
UNITED STATES CIRCUIT JUDGE